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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,574	09/29/2003	Klaus BerktoId	015258-061300US	3824
20350	7590	07/01/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			SUTTON, ANDREW W	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/674,574

Applicant(s)

BERKTOLD, KLAUS

Examiner

Andrew W. Sutton

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-9,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9,11 and 12 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/29/03</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 6 is objected to as following the statement, "possible to use the weaving machine in a weaving mill..." no more limitation to the weaving loom are given. The application relates to a loom not a weaving mill.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5-8, and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Cooper (US 6,006,790). Cooper illustrates in Fig. 1 a loom with a cleaning apparatus 40 integrated into the loom with for removal of dust extraction (Col. 3 lines 1-2) in the region of the shed.

As to claim 3, Cooper discloses (Col. 3 lines 1-2) that the manifold is elongated which the examiner interprets to mean that the manifold has a horizontal slit arrangement.

As to claim 5, Cooper discloses that dust is extracted at the source by continuously sucking it through the manifolds 40. (Col. 3 lines 48-50)

As to claim 6, the loom of Cooper possibly could be used in a weaving mill. The applications limitations following that statement cite no further limitations to the loom.

As to claim 7, Cooper discloses (Col. 3 lines 53-55) that the loom can be equipped with Jacquard, Dobby, Cam or other shedding mechanisms. This would include the shedding a leno shedding mechanism. Cooper illustrates in Fig. 1 a loom with a cleaning apparatus 40 integrated into the loom with for removal of dust extraction (Col. 3 lines 1-2) in the region of the shed.

As to claim 8, Cooper illustrates (Fig 1) control valves 48 for the nozzle 44 for regulating the nozzle air flow.

As to claim 11, Cooper discloses that dust is extracted at the source by continuously sucking it through the manifolds 40. (Col. 3 lines 48-50).

As to claim 12, Cooper illustrates (Fig. 1) nozzle 40 is working in cooperation with vertical nozzle 44.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper (US 6,006,790). As to claim 2, Cooper illustrates Fig. 1 that the deflection elements for the warp yarns are being acted on by the suction nozzle 40 which is arranged in the lower region. Cooper does not disclose the fact that the loom is specifically a leno loom. Cooper does disclose (Col. 3 lines 53-55) that the loom can be equipped with

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Jacquard, Dobby, Cam or other shedding mechanisms. It would be obvious to use the device in a leno loom as it is a type of loom such as dobby or jacquard as they are just variations of the same machine.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper (US 6,006,790) in view of Gillespie (US 4,676,277). Cooper discloses the invention substantially above. Gillespie disclose a traveling vacuum for a loom. It is commonly known in the art for a weaver of a loom to blow off a loom with a air nozzle and let the traveling cleaners remove the fly was it was disturbed by the weaver. It would be obvious to one of ordinary skill in the art to combine the teachings of Cooper and Gillespie for the added benefit of a cleaner loom.

#### ***Allowable Subject Matterd***

Claims 4 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claims 4 and 10 recite the limitation of nozzles being substantially horizontal transverse to the direction of travel of the ground and leno threads can be produced which is not taught in the prior art.

#### ***Conclusion***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Scori (US 5,524,676) discloses a cleaning device integral in a loom.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W. Sutton whose telephone number is (571) 272-6093. The examiner can normally be reached on Monday - Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AWS  
17 June 2005

  
JOHN J. CALVERT  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700